

2020 SPECIAL SESSION I

INTRODUCED

20200184D

SENATE BILL NO. 5056

Offered August 18, 2020

Prefiled August 17, 2020

A *BILL to amend and reenact § 18.2-405 of the Code of Virginia, relating to riots; acts of violence; penalty.*

Patrons—Reeves and DeSteph

Referred to Committee on the Judiciary

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-405 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-405. What constitutes a riot; penalty.

Any unlawful use, by three or more persons acting together, of force or violence ~~which~~ *that* seriously jeopardizes the public safety, peace, or order is riot.

Every person convicted of participating in any riot ~~shall be~~ *is* guilty of a Class 1 misdemeanor. *If a person commits an act of violence, as defined in § 19.2-297.1, during a riot, he is guilty a Class 6 felony.*

If such person carried *or possessed*, at the time of such riot, any firearm or other deadly or dangerous weapon, he ~~shall be~~ *is* guilty of a Class 5 ~~felony~~ *Class 4 felony*.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 1289 of the Acts of Assembly of 2020 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

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